

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Removal of Confirm Service from the
Market-Dominant Product List

Docket No. MC2013-38

PUBLIC REPRESENTATIVE COMMENTS ON
POSTAL SERVICE REQUEST TO REMOVE
CONFIRM SERVICE FROM THE
MARKET DOMINANT PRODUCT LIST

(February 15, 2013)

The Public Representative hereby provides comments pursuant to Order No. 1649.¹ In that Order, the Commission established the above referenced docket to receive comments from interested persons, including the undersigned Public Representative, on a Postal Service Request to remove Confirm service from the market dominant product list in the Mail Classification Schedule (MCS).² Confirm service is offered through paid subscription to mailers who identify their letters and flats using the Intelligent Mail barcode (IMb), or PLANET Code, and obtain raw scan data as those items pass through the Postal Service's mail processing network. *Id.* at 1 and 2.

In support of its Request, the Postal Service filed, among other documents, a Statement of Supporting Justification prepared by Steve Monteith, Manager of Transactions & Correspondence addressing the criteria set forth in 39 U.S.C. § 3642. Request, Attachment B. The Postal Service also filed changes to the text of the Mail Classification Schedule. Request, Attachment C.

¹ PRC Order No. 1649, Notice and Order Concerning Request to Remove Confirm Service from the Market Dominant Product List, February 5, 2013.

² Request of United States Postal Service to Remove Confirm Service from the Market-Dominant Product List, February 1, 2013 (Request), at 1.

The Request recounts the history of the Postal Service's decision to discontinue Confirm as a paid subscription service. In Docket No. R2012-3, the Postal Service announced new prices "of general applicability" for market dominant products, including a price for Confirm service of \$0.00, effective January 22, 2012, upon the expiration of all existing customers' subscriptions. *Id.*, Attachment B, at 2. By Federal Register notice, the Postal Service announced the initiation of IMb Tracing, which provides scan data similar to that provided by Confirm service, but without a paid subscription.³ In response to mailer comments, however, the Postal Service allowed mailers to extend their subscriptions for an additional year, ending January 21, 2013. *Id.*, Attachment B, at 2. In the most recent market dominant price adjustment, Docket No. R2013-1, the Postal Service reiterated its intention to discontinue Confirm service through the filing of the instant Request with the Commission. *Id.* at 3.

The Postal Service maintains that, given mailers continued access to scan data via IMb Tracing at no fee, removing Confirm service from the market dominant product list "fulfills all of the applicable criteria set forth under section 3642." Request at 2. The Postal Service also adds that approving its Request will result in an update MSC that recognizes Confirm service has been replaced by IMb Tracing. *Id.*

COMMENTS

The Public Representative has reviewed the Postal Service's Request and the accompanying attachments, including Attachment B (Statement of Supporting Justification). Based upon that review, the Public Representative concludes that the Postal Service's Request to remove Confirm service from the market dominant product list fulfills the criteria set forth in 39 U.S.C. § 3642 and 39 C.F.R. § 3020.30 *et seq.* The Public Representative also observes that because Confirm service was only available to bulk mailers to track their mailpieces for purposes of marketing and service performance, its removal is likely to affect the general public interest only indirectly.

³ 76 Fed. Reg. 65641 (October 24, 2011)

The Public Representative respectfully submits the foregoing comments for the Commission's consideration.

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